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10/085,072	03/01/2002	Bozidar Ferek-Petric	P-8158.02 DIVI	1422
27581 .7590 12/19/2006 MEDTRONIC, INC. 710 MEDTRONIC PARK MINNEAPOLIS, MN 55432-9924			EXAMINER OROPEZA, FRANCES P	
			ART UNIT	PAPER NUMBER
			3766	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

DETAILED ACTION

Amendment

1. The Applicant amended independent claim 35, hence the rejection of record is withdrawn and a new rejection established in the subsequent paragraphs.

Claim Rejections - 35 USC § 102

2. Claims 35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Soykan et al. (US 6206914).

Soykan et al. teach an implantable multi-chamber pacing system with drug treatment that monitors ECG signals and coronary sinus blood flow signals to detect and treat ischemia (fig. 5; col. 1 @ 23-39; col. 2 @ 30-40; col. 3 @ 23-30; col. 5 @ 21-36; col. 13 @ 46-64; col. 16 @ 23-46).

Soykan et al. teach incorporating the stimulation device of US 5702427 to Ecker et al. (col. 16 @ 53-58), hence including in the instant invention atrial and ventricular sensing means and signals (fig. 9 – Ecker et al.) and pacemaker and defibrillator type IPGs (implantable pulse generators) (col. 6 @ 21-27).

The Soykan et al. system includes sensing elements (leads) coupled to the cardiac rhythm management device to detect changes in the physiological properties (the properties read as the level of blood flow (blood flow velocity), the atrial signals, and the ventricular signals), the detected changes serving to trigger release of the therapeutic agent (col. 3 @ 14-30; col. 4 @ 66 – col. 5 @ 4; col. 5 @ 21-36). One disclosed embodiment is a lead located in the coronary sinus, upstream of the coronary arteries, to provide local feedback to the device to control local delivery of the drug

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treatment (col. 4 @ 66 – col. 5 @ 4; col. 5 @ 48-52; col. 8 @ 45-55; col. 16 @ 42-46). This lead contains a means for producing a signal representative of blood flow velocity, an acoustic Doppler sensor (col. 16 @ 42-53).

As to claim 35, Soykan et al. teach using one or more sensors to monitor the cardiac condition of a patient including the monitoring of blood flow velocity through the coronary sinus, and monitoring an increase in the elevation of the ST segment of cardiac waveform. Since the natural physiological sequence in an ischemic cardiac condition is known to be a decrease coronary sinus blood flow prior to an elevated ST segment, it is inherent the decreased blood flow velocity signal would precede the ST element elevation signal when using and analyzing signals from a flow meter and an EKG sensor, the monitoring signals creating an output signal to provide appropriate therapy for the ischemic condition of the patient (col. 1 @ 28-39; col. 2 @ 54 – col. 3 @ 5; col. 3 @ 35-30; col. 5 @ 21-36; col. 13 @ 47-64; col. 16 @ 23-61)

As to claim 38, the telemetry system used in the instant invention, a Medtronic Model 9790 programmer (specification – page 5, line 25), is the same programmer used in the Soykan et al. reference (col. 15 @ 18), hence Soyken et al. teach “remotely programming the signal processing means via a wireless telemetry link”.

Statutory Basis

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fran Oropeza whose telephone number is (571) 272-4953. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular and for After Final communications.

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12/10/06


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